WP(C) 6646/2005
BEFORE
HON'BLE MR JUSTICE H N SARMA

THIS WRIT PETITION HAVING BEEN HEARD ON 3RD DAY OF OCTOBER, 2007, THE COURT PASSED THE FOLLOWING-

JUDGMENT (ORAL)

The pleaded case of the petitioner in this writ petition, inter alia, is that he is a post graduate in Arts securing second class from Dibrugarh University and possessed requisite qualification for being appointed as Assistant Teacher in any school within the State of Assam. A vacancy of Graduate Teacher having arose in Garmur Bangshigopal Dev Sanskrit Tol, PO- Garmur, Majuli, and in pursuance of an advertisement published on 26.7.2005 by the authority of the aforesaid school inviting applications for filling up of the said post of Graduate Teacher, the petitioner duly applied for the same with all his credentials. A selection committee for the purpose was constituted for selection of candidates fixing 21.8.2005 as the date for selection and interview of all the candidates. However, on that date, the selection and interview could not be held as scheduled due to resignation of one of the members of the selection committee. Thereafter the petitioner was waiting for further notice of subsequent selection and interview, but to his utter surprise he could know that such selection and interview was held on 11.9.2005 without serving a notice upon him to appear in the said selection and interview. According to the petitioner, the aforesaid selection and interview was held behind his back and he was denied the opportunity to participate in the aforesaid selection and interview. Raising such grievance, the petitioner has also filed a representation before the Deputy Director -cum - Secretary, Assam Sanskrit Board at Guwahati on 12.9.2005. In the back ground of facts, the petitioner prays for quashing of the selection and interview held on 11.9.2005.

2. During the pendency of the writ petition, the respondent No 5 get himself impleaded in the proceeding stating, inter alia, that the selection for the post was held by duly informing to all the candidates but the petitioner remained absent on the said date. The selection committee has also prepared a select list of four candidates wherein his name appeared at serial No 1.

3. In the counter affidavit filed by the respondent No 2, the Deputy Director - cum- Secretary, Sanskrit Education Board, Assam, the stand of the respondent No 2 is that the earlier selection and interview fixed on 21.8.2005 could not be held due to resignation of one of the members of the selection committee and accordingly, the said selection and interview was postponed to 11.9.2005. Considering the fact that all are local candidates it was decided that the intimation for fixing of the date of interview on 11.9.2005 be given to the candidates by engaging teachers of the Tol to distribute the call letters. Accordingly, call letters were distributed to 18 candidates and out of which 17 candidates appeared in the selection and interview on 11.9.2005. It is further stated that on the basis of complaint lodged by the petitioner on 12.9.2005, show cause notice was issued to the Pradhan Adhyapak of the Tol on 29.10.2005 to show cause as to why disciplinary action should not be taken against him on the basis of the said allegation. In reply to the said show cause notice, reply dated 5.11.2005 was submitted by the Pradhan Adhyapak stating that the allegation made by the petitioner is not correct and, in fact, on 9.9.2005, one Shri Budhin Sarma, a Science Teacher of the Tol, was entrusted with the job of serving call letters to the candidates who went to the house of the petitioner to serve the call letter but having found him absent in his house, Shri Sarma served the call letter to the father of the petitioner. On the basis of the said reply, the proceeding against the respondent No 2 was dropped.

4. The learned counsel for the petitioner strenuously submitted that the petitioner did not received any call letter nor he was otherwise intimated about t

he fixation of subsequent date of interview scheduled to be held on 11.9.2007 and in fact, Shri Budhin Sarma, Science Teacher, has not handed over the call letter to him. According to the learned counsel for the petitioner, the entire show was done behind the back of the petitioner violating the basic tenet of principles of natural justice. Accordingly, the entire selection process is liable to be set aside and quashed.

5. The respondent No 5 also took the stand about the serving of call letter through Shri Budhin Sarma, Science Teacher. Similar stand also taken by the State respondents in their counter and that part of the fact has not been controverted by the petitioner. Admittedly, the same is a disputed question of fact. That apart, I do not see any perversity in the stand taken by the respondent No 2 as well as respondent No 5 in Misc Case No 1217/2006. The selection list selecting the candidates as appended in Misc Case disclose that the respondent No 5 has been placed at serial No 1 in the select list and no apparent illegality could be detected in the said select list.

6. In view of the above discussions, the submissions made by the learned counsel for the petitioner cannot be accepted. Accordingly, this writ petition stands dismissed.